

## Department of the Army, DoD

## § 635.21

subjects. A subject can be a person, corporation, or other legal entity, or organization about which credible information exists that would cause a reasonable person to suspect that the person, corporation, other legal entity or organization may have committed a criminal offense, or otherwise make them the object of a criminal investigation.

(c) When investigative activity identifies a subject, all facts of the case must be considered. When a person, corporation, or other legal entity is entered in the subject block of the DA Form 3975, their identity is recorded in DA automated systems and the DCII. Once entered into the DCII, the record can only be removed in cases of mistaken identity. This policy is consistent with DOD reporting requirements. The Director, USACRC enters individuals from DA Form 3975 into the DCII.

### § 635.19 Offense codes.

(a) The offense code describes, as nearly as possible, the complaint or offense by using an alphanumeric code. Appendix C of AR 190-45 lists the offense codes that are authorized for use within the Army. This list will be amended from time to time based on new reporting requirements mandated by legislation or administrative procedures. MACOM commanders and installation provost marshals will be notified by special letters of instruction issued in numerical order from HQDA, Office of the Provost Marshal General (DAPM-MPD-LE) when additions or deletions are made to list. The COPS MPRS module will be used for all reporting requirements.

(b) MACOMs and installations may establish local offense codes in category 2 (major Army command and installation codes) for any offense not otherwise reportable. Locally established offense codes will not duplicate, or be used as a substitute for any offense for which a code is contained for other reportable incidents. Category 2 incidents are not reported to the Director, USACRC or the DOJ. If an offense occurs meeting the reporting description contained in Appendix C of AR 190-45, that offense code takes precedence over the local offense code. Local

offense codes may be included, but explained, in the narrative of the report filed with the USACRC. Use the most descriptive offense code to report offenses.

(c) Whenever local policy requires the provost marshal to list the subject's previous offenses on DA Form 3975, entries will reflect a summary of disposition for each offense, if known.

### § 635.20 Military Police Codes (MPC).

(a) MPCs identify individual provost marshal offices. The Director, USACRC will assign MPCs to provost marshal offices.

(b) Requests for assignment of a MPC will be included in the planning phase of military operations, exercises, or missions when law enforcement operations are anticipated. The request for a MPC will be submitted as soon as circumstances permit, without jeopardizing the military operation to HQDA, Office of the Provost Marshal General (DAPM-MPD-LE). Consistent with security precautions, MACOMs will immediately inform HQDA, Office of the Provost Marshal General (DAPM-MPD-LE) when assigned or attached military police units are notified for mobilization, relocation, activation, or inactivation.

(c) When a military police unit is alerted for deployment to a location not in an existing provost marshal's operational area, the receiving MACOM or combatant commander will request assignment of an MPC number from HQDA, Office of the Provost Marshal General (DAPM-MPD-LE) providing the area of operations does not have an existing MPC number. The receiving MACOM or Unified Combatant Commander is further responsible for establishing an operational COPS system for the deployment.

### § 635.21 USACRC control numbers.

(a) Case numbers to support reporting requirements will be issued by the Director, USACRC to HQDA (DAPM-MPD-LE) prior to the beginning of a new calendar year. HQDA, Office of the Provost Marshal General (DAPM-MPD-LE) will release block numbers to each MACOM for assignment to their installation provost marshals. To ensure accuracy in reporting criminal

incidents, USACRC control numbers will be used only one time and in sequence. Every MPR sent to the USACRC will have a USACRC control number reported. Violation of this policy could result in significant difficulties in tracing reports that require corrective action.

(b) Each MACOM will report the USACRC control numbers they have assigned to their installations by January 15th of each year. If during the calendar year the MACOM reassigns control numbers from one installation to another, HQDA, Office of the Provost Marshal General (DAPM-MPD-LE) will be notified. The Director USACRC will receive an information copy of such notification from the MACOM provost marshal office.

(c) USACRC control numbers will be issued along with each newly assigned MPC.

(d) When the deploying unit will be located in an area where there is an existing provost marshal activity, the deploying unit will use the MPC number and USACRC control numbers of the host provost marshal.

**§ 635.22 Reserve component, U.S. Army Reserve, and Army National Guard personnel.**

(a) When in a military duty status pursuant to official orders (Federal status for National Guard) Reserve and National Guard personnel will be reported as active duty. Otherwise they will be reported as civilians.

(b) The DA Form 3975 and DA Form 4833 will be forwarded to the individual's continental U.S. Army Commander, state adjutant, or 7th Army Reserve Command, as appropriate. The forwarding correspondence will reflect this part as the authority to request disposition of the individual.

**§ 635.23 DA Form 4833 (Commander's Report of Disciplinary or Administrative Action).**

(a) *Use.* DA Form 4833 is used with DA Form 3975 to—

(1) Record actions taken against identified offenders.

(2) Report the disposition of offenses investigated by civilian law enforcement agencies.

(b) *Preparation by the provost marshal.* The installation provost marshal initiates this critical document and is responsible for its distribution and establishing a suspense system to ensure timely response by commanders. Disposition reports are part of the reporting requirements within DA, DOD, and DOJ.

(c) *Completion by the unit commander.* Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. The Battalion Commander or the first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The commander will complete the DA Form 4833 within 45 days of receipt.

(1) Appropriate blocks will be checked and blanks annotated to indicate the following:

(i) Action taken (for example, judicial, nonjudicial, or administrative). In the event the commander takes action against the soldier for an offense other than the one listed on the DA Form 3975, the revised charge or offense will be specified in the REMARKS section of the DA Form 4833.

(ii) Sentence, punishment, or administrative action imposed.

(iii) Should the commander take no action, the DA Form 4833 must be annotated to reflect that fact.

(2) If the commander cannot complete the DA Form 4833 within 45 days, a written memorandum is required to explain the circumstances. The delay will have an impact on other reporting requirements (e.g., submitting fingerprint cards to the FBI).

(d) *Procedures when subjects are reassigned.* When the subject of an offense is reassigned, the provost marshal will forward the DA Form 3975, DA Form 4833, and all pertinent attachments to the gaining installation provost marshal who must ensure that the new commander completes the document. Copies of the documents may be made and retained by the processing provost